GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

GAD- Special Enforcement Bureau – Disposal of contraband / property seized in cases booked for offences under A.P. Excise Act, 1968 and A.P. Prohibition Act, 1995 – Orders – Issued.

GENERAL ADMINISTRATION (SEB-I) DEPARTMENT

G.O.Ms.No.15, **Dated: 16.02.2021.**
Read:-

From the Commissioner, Special Enforcement Bureau, Andhra Pradesh, Vijayawada, Letter Cr. No. 469/2020/SEB/C3, dated. 15.10.2020.

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O R D E R:

Government have created Special Enforcement Bureau with a view to enforce, stoppage of illicit distillation, bottling and curb smuggling of alchohol. In the reference read above, the Commissioner, Special Enforcement Bureau has stated that in the process, the Special Enforcement Bureau has detected huge number of cases and seized substantial quantity of liquor contraband to the tune of 2.8 lakhs liters approximately since its inception. The A.P. Excise Act, 1968 and A.P. Prohibition Act, 1995 clearly provide for the seized contraband to be disposed off by way of confiscation to the State or by public auction or by destruction. Further, Section 46 (3) of the A.P. Excise Act states that the confiscating authority "may order that such of the properties to which the order of confiscation relates, which in his opinion cannot be preserved or not fit for human consumption, be destroyed" and the A.P. Prohibition Act, 1995 also contains a similar provision to that effect. Section 46 (4) of A.P. Excise Act (Amended), 1968 states that "where the Deputy Commissioner of Prohibition & Excise and / or the Deputy Commissioner of Special Enforcement Bureau and / or Superintendent of Police / or Executive Magistrate, after passing an order of confiscation under sub-rule (2) is the opinion that it is expedient in the public interest to do so, he may order the confiscation of contraband / property or any part thereof to be sold by public auction or dispose of departmentally". As per Section 46F of the A.P. Excise Act, "when an order of confiscation of any contraband / property has been passed under Section 46 and such order has become final in respect of the whole or any portion of such contraband/property, such contraband/property or portion thereof, as the case may be, shall vest in Government free from all encumbrances.

2. The Commissioner, Special Enforcement Bureau, Andhra Pradesh has further stated that as per A.P. Excise (Disposal of Confiscated and Other Articles) Rules, 1969, the destruction of the liquor is not the first choice. The destruction of such property may lead to huge loss to the State exchequer and wastage of resource as it is Government property after confiscation. In the past too, the seized Contraband including liquor and vehicles have been auctioned by the Government which helped in reducing the wastage of resources and added value to the State exchequer. The Commissioner, Special Enforcement Bureau has proposed a "Standard Operating Procedure (SOP)" for destruction of seized liquor / property for consideration of the Government.

3. Government, after careful examination of the matter, decided to approve the proposal and accordingly issue the following "Standard Operating Procedure (SOP)" for destruction of seized liquor / property:-

(Contd..2)

i. The Station House Officers of Special Enforcement Bureau / Police shall produce seized liquor before the confiscating authority without any unreasonable delay for necessary instructions;

ii. The Station House Officers of Special Enforcement Bureau / Police shall do the sampling as per the procedure, which was previously being followed in the Excise Department;

iii. The Station House Officers of Special Enforcement Bureau /Police shall obtain chemical examiner report for the seized liquor and submit the same for confiscation of the said contraband;

iv. The confiscation authority, after careful examination, shall pass appropriate orders i.e., the seized liquor which is not fit for consumption, as per chemical examiner report, shall be destroyed and the remaining seized liquor shall be handed over to the Excise Department;

v. The Station House Officers of Special Enforcement Bureau / Police shall hand over the confiscated liquor as per the orders of the confiscating authority, to the concerned Depot Manager/ Excise Superintendent or Authority designated by the Excise Department on a monthly basis, while submitting report to the Assistant Commissioner, Special Enforcement Bureau. The Station House Officers of Special Enforcement Bureau / Police shall also obtain a certificate of Disposal while handing over the liquor to the concerned authority designated by the Excise Department. The format of Certificate is given in Annexure.I;

vi. The Enforcement Superintendent, Special Enforcement Bureau shall supervise the handing over formalities of all the Stations under his jurisdiction;

vii. The Enforcement Superintendent, Special Enforcement Bureau shall destroy the seized liquor which is not fit for consumption as per chemical examiner report and issue a certificate of destruction, submitting report to the Assistant Commissioner, Special Enforcement Bureau. The format of certificate is given in Annexure.II;

viii. The Assistant Commissioner, Special Enforcement Bureau shall submit monthly report containing details of disposed of seized property to the Superintendent of Police or Commissioner of Police and Commissioner, Special Enforcement Bureau as per proforma in Annexure.III;

ix. The Office of the Assistant Commissioner, Special Enforcement Bureau shall be responsible for the entire process and maintain the entire documentation and records related to the disposal / destruction of seized property.

x. The Station House Officer shall file the certificate of disposal / destruction of seized liquor in the Court of Law.

xi. The Revenue (Excise) Department shall frame necessary guidelines for mode of sale for the hand over contraband.

(Contd..3)

xii. 25% of the Sale proceeds of the seized property shall be provided to the Special Enforcement Bureau by way of result oriented incentives. Further guidelines for the manner of distribution of rewards to individuals may be prepared by Commissioner, Special Enforcement Bureau.

4. The Commissioner, Special Enforcement Bureau, A.P., Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. GAUTAM SAWANG
DIRECTOR GENERAL OF POLICE (HoPF) &
EX-OFFICIO PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Special Enforcement Bureau, A.P., Vijayawada.
Copy to:
The Revenue (Excise) Department.
The Finance Department.
The Commissioner, Prohibition and Excise, A.P., Vijayawada.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

(To G.O.Ms.No.15, G.A.(SEB.I) Department, dt.16.02.2021.)

CERTIFICATE OF DISPOSAL

1. This is to certify that the following lot of liquor has been confiscated to the Government and handed over to Excise department.

S.No.	Case Details (FIR Number)	Details of the Seized property	Seizing agency	Date of seizure	Confiscation Order details	Chemical examiner report details	Quantity (in bottles)	Quantity (in Liters)	Approx value (in Rupees)*

2. APSBCL Depot Details:

Signature(s), name(s) and designation(s) of Authorised officers.

*For calculation purpose, MRP printed on the bottle may be taken as reference.

D. GAUTAM SAWANG
DIRECTOR GENERAL OF POLICE (HoPF) &
EX-OFFICIO PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-II

(To G.O.Ms.No.15, G.A.(SEB.I) Department, dt.16.02.2021.)

CERTIFICATE OF DESTRUCTION

1. This is to certify that the following lot of liquor has been destroyed in our presence.

S.No.	Case Details (FIR Number)	Details of the Seized property	Seizing agency	Date of seizure	Confiscation Order details	Chemical examiner report details	Quantity (in bottles)	Quantity (in Liters)	Approx Value (in Rupees)*

2. Where and how destroyed.

Signature(s), name(s) and designation(s) of Authorised officer.

*For calculation purpose, MRP printed on the bottle may be taken as reference.

D. GAUTAM SAWANG
DIRECTOR GENERAL OF POLICE (HoPF) &
EX-OFFICIO PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-III

(To G.O.Ms.No.15, G.A.(SEB.I) Department, dt.16.02.2021.)

REPORT ON DISPOSAL OF SEIZED LIQUOR

S.No.	Case Details (FIR Number)	Details of the Seized property	Seizing agency	Date of seizure	Confiscation Order details	Chemical examiner report details	Quantity (in bottles)	Quantity (in Liters)	Approx Value (in Rupees)	Mode of Disposal

Signature(s), Name(s) and Designation(s) of Authorised officer.

D. GAUTAM SAWANG
DIRECTOR GENERAL OF POLICE (HoPF) &
EX-OFFICIO PRINCIPAL SECRETARY TO GOVERNMENT